

# HOUSE BILL No. 1749

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-10.

**Synopsis:** Public safety officers' survivor insurance. Requires the employer of a public safety officer who dies in the line of duty to provide and pay for health insurance coverage for the officer's survivors. Specifies that the coverage provided to the officer's survivors must be at least equal to that offered to active public safety officers.

**Effective:** July 1, 2005.

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January 19, 2005, read first time and referred to Committee on Public Safety and Homeland Security.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1749

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-10-8-2.2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. (a) As used in this  
3 section, "dependent" means a natural child, a stepchild, or an adopted  
4 child of a public safety employee who:

5 (1) is less than eighteen (18) years of age;

6 (2) is eighteen (18) years of age or older and physically or  
7 mentally disabled (using disability guidelines established by the  
8 Social Security Administration); or

9 (3) is at least eighteen (18) and less than twenty-three (23) years  
10 of age and is enrolled in and regularly attending a secondary  
11 school or is a full-time student at an accredited college or  
12 university.

13 (b) As used in this section, "public safety employee" means a  
14 full-time firefighter, police officer, county police officer, or sheriff.

15 (c) This section applies only to local unit public employers and their  
16 public safety employees.

17 (d) A local unit public employer may provide programs of group

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health insurance for its active and retired public safety employees through one (1) of the following methods:

- (1) By purchasing policies of group insurance.
- (2) By establishing self-insurance programs.
- (3) By electing to participate in the local unit group of local units that offer the state employee health plan under section 6.6 of this chapter.

A local unit public employer may provide programs of group insurance other than group health insurance for the local unit public employer's active and retired public safety employees by purchasing policies of group insurance and by establishing self-insurance programs. However, the establishment of a self-insurance program is subject to the approval of the unit's fiscal body.

(e) A local unit public employer may pay a part of the cost of group insurance for its active and retired public safety employees. However, a local unit public employer that provides group life insurance for its active and retired public safety employees shall pay a part of the cost of that insurance.

(f) A local unit public employer may not cancel an insurance contract under this section during the policy term of the contract.

(g) ~~After June 30, 1989,~~ A local unit public employer that provides a group health insurance program for its active public safety employees shall also provide a group health insurance program to the following persons:

- (1) Retired public safety employees.
- (2) Public safety employees who are receiving disability benefits under IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-8, or IC 36-8-10.
- (3) Surviving spouses and dependents of public safety employees who die while in active service or after retirement.

(h) A retired or disabled public safety employee who is eligible for group health insurance coverage under subsection (g)(1) or (g)(2):

- (1) may elect to have the person's spouse, dependents, or spouse and dependents covered under the group health insurance program at the time the person retires or becomes disabled;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the person retires or begins receiving disability benefits; and
- (3) must pay an amount equal to the total of the employer's and the employee's premiums for the group health insurance for an active public safety employee (however, the employer may elect to pay any part of the person's premiums).

(i) Except as provided in **IC 5-10-14**, IC 36-8-6-9.7(f),

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IC 36-8-6-10.1(h), IC 36-8-7-12.3(g), IC 36-8-7-12.4(j),  
 IC 36-8-7.5-13.7(h), IC 36-8-7.5-14.1(i), IC 36-8-8-13.9(d),  
~~IC 36-8-8-14.1(h)~~, **IC 36-8-8-14.1(h)**, and IC 36-8-10-16.5 for a  
 surviving spouse or dependent of a public safety employee who dies in  
 the line of duty, a surviving spouse or dependent who is eligible for  
 group health insurance under subsection (g)(3):

- (1) may elect to continue coverage under the group health insurance program after the death of the public safety employee;
- (2) must file a written request for insurance coverage with the employer within ninety (90) days after the death of the public safety employee; and
- (3) must pay the amount that the public safety employee would have been required to pay under this section for coverage selected by the surviving spouse or dependent (however, the employer may elect to pay any part of the surviving spouse's or ~~dependents'~~ **dependent's** premiums).

(j) A retired or disabled public safety employee's eligibility for group health insurance under this section ends on the earlier of the following:

- (1) When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program for active public safety employees.

(k) A surviving spouse's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.
- (3) The date of the surviving spouse's remarriage.
- (4) When health insurance becomes available to the surviving spouse through employment.

(l) A dependent's eligibility for group health insurance under this section ends on the earliest of the following:

- (1) When the dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the unit providing the insurance terminates the health insurance program for active public safety employees.
- (3) When the dependent no longer meets the criteria set forth in subsection (a).
- (4) When health insurance becomes available to the dependent through employment.

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(m) A public safety employee who is on leave without pay is entitled to participate for ninety (90) days in any group health insurance program maintained by the local unit public employer for active public safety employees if the public safety employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance. However, the employer may pay all or part of the employer's premium for the insurance.

(n) A local unit public employer may provide group health insurance for retired public safety employees or their spouses not covered by subsections (g) through (l) and may provide group health insurance that contains provisions more favorable to retired public safety employees and their spouses than required by subsections (g) through (l). A local unit public employer may provide group health insurance to a public safety employee who is on leave without pay for a longer period than required by subsection (m), and may continue to pay all or a part of the employer's premium for the insurance while the employee is on leave without pay.

SECTION 2. IC 5-10-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The state police department, conservation officers of the department of natural resources, and the state excise police may establish common and unified plans of self-insurance for their employees, including retired employees, as separate entities of state government. These plans may be administered by a private agency, business firm, limited liability company, or corporation.

(b) **Except as provided in IC 5-10-14**, the state agencies listed in subsection (a) may not pay as the employer ~~portion~~ **part** of benefits for any employee or retiree an amount greater than that paid for other state employees for group insurance.

SECTION 3. IC 5-10-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 14. Public Safety Officer Survivor Health Insurance**

**Sec. 1. As used in this chapter, "dies in the line of duty" refers to a death that occurs as a direct result of personal injury or illness resulting from an action that a public safety officer, in the public safety officer's capacity as a public safety officer, is obligated or authorized to perform by rule, regulation, law, or condition of employment. For purposes of a public safety officer who is an employee (as defined in IC 5-10-13-2), the term includes a death presumed incurred in the line of duty under IC 5-10-13.**

**Sec. 2. As used in this chapter, "employer" refers to the:**

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1 (1) state agency;  
 2 (2) political subdivision; or  
 3 (3) state educational institution;  
 4 that employs a public safety officer.

5 Sec. 3. As used in this chapter, "political subdivision" has the  
 6 meaning set forth in IC 6-3.5-2-1.

7 Sec. 4. As used in this chapter, "public safety officer" means an  
 8 individual who is employed by the state or a political subdivision  
 9 of the state as:

10 (1) a member of a fire department (as defined in IC 36-8-1-8),  
 11 other than a member described in:

- 12 (A) IC 36-8-7-12.3(g);
- 13 (B) IC 36-8-7-12.4(j);
- 14 (C) IC 36-8-8-13.9(d); or
- 15 (D) IC 36-8-8-14.1(h);

16 (2) a member of a police department (as defined in  
 17 IC 36-8-1-9), other than a member described in:

- 18 (A) IC 36-8-6-9.7(f);
- 19 (B) IC 36-8-6-10.1(h);
- 20 (C) IC 36-8-7.5-13.7(h);
- 21 (D) IC 36-8-7.5-14.1(i);
- 22 (E) IC 36-8-8-13.9(d); or
- 23 (F) IC 36-8-8-14.1(h);

24 (3) a correctional officer (as defined in IC 5-10-10-1.5);

25 (4) an excise police officer;

26 (5) a conservation enforcement officer;

27 (6) a town marshal;

28 (7) a deputy town marshal;

29 (8) a state police officer;

30 (9) a county police officer, other than an officer described in  
 31 IC 36-8-10-16.5;

32 (10) a county sheriff, other than a sheriff described in  
 33 IC 36-8-10-16.5;

34 (11) a member of a police department of a state educational  
 35 institution;

36 (12) a county police reserve officer;

37 (13) a city police reserve officer;

38 (14) a probation officer; or

39 (15) an emergency medical services provider (as defined in  
 40 IC 16-41-10-1) who is:

- 41 (A) employed by a political subdivision; and
- 42 (B) not described in:

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- (i) IC 36-8-6-9.7(f);
- (ii) IC 36-8-6-10.1(h);
- (iii) IC 36-8-7-12.3(g);
- (iv) IC 36-8-7-12.4(j);
- (v) IC 36-8-7.5-13.7(h);
- (vi) IC 36-8-7.5-14.1(i);
- (vii) IC 36-8-8-13.9(d);
- (viii) IC 36-8-8-14.1(h);
- (ix) subdivision (1); or
- (x) subdivision (2).

**Sec. 5.** As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

**Sec. 6. (a)** After June 30, 2005, the employer of a public safety officer who dies in the line of duty shall offer to provide and pay for health insurance coverage for:

- (1) the surviving spouse; and
- (2) each natural child, stepchild, and adopted child; of the public safety officer, regardless of whether the public safety officer's death occurs before July 1, 2005, or on or after July 1, 2005.

**(b)** The coverage for a surviving natural child, stepchild, or adopted child provided under subsection (a) continues:

- (1) until the child becomes eighteen (18) years of age;
- (2) if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university, until the child becomes twenty-three (23) years of age; or
- (3) if the child is physically or mentally disabled, until the end of the physical or mental disability; whichever period is longest.

**(c)** If an employer offers health insurance coverage to the employer's active public safety officers, the health insurance coverage that the employer provides to a surviving spouse or child under this section must be at least equal to that offered to active public safety officers.

**(d)** An employer's offer to provide and pay for health insurance coverage under subsection (a) must remain open as long as:

- (1) there is a surviving spouse who is eligible for the coverage under subsection (a); or
- (2) a child is eligible for the coverage under subsections (a) and (b).

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